THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9944 of 2006

Dated:8.9.2006

Between
K.Saradamma

…..Petitioner

and

1.The Joint Collector, Nellore and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9944 of 2006

ORDER:

This writ petition is filed being aggrieved by the order dated 16.5.2006 vide proceedings in Rc.E.242 of 2006 passed by the 1st respondent in rejecting the petition filed by the petitioner, while filing the appeal, seeking to suspend the operation of the order of the 2nd respondent-Revenue Divisional Officer, Kavali in his proceedings No.R.c.J.1343 of 2006 dated 18.4.2006.

It appears that the petitioner is a fair price shop dealer for shop No.13 of Kavali town, Nellore District. While so, on certain allegations, the Revenue Divisional Officer, Kavali suspended the authorization of the petitioner on 18.4.2006. Since an appeal is provided against the said order, the petitioner has preferred an appeal before the 1st respondent-Joint Collector and the same is pending. However, the 1st respondent while entertaining the appeal, rejected the stay petition filed by the petitioner seeking to stay of the proceedings of the Revenue Divisional Officer, kavali, vide his order dated 16.5.2006. Aggrieved by the same, the present writ petition is filed.

While ordering Notice Before Admission on 23.5.2006, this Court prima facie found that the so called fax message given by the Mandal Revenue Officer, Kavali to the Joint Collector, Nellore and the Revenue Divisional Officer, Kavali does not state as to how he received the information. Further, in the order dated 18.4.2006, at one place, it is stated that the rice was transported in push carts and at another place, the reference is made to rickshaw pullers. In either case, they said to have stated that the rice was being taken to an unknown destination. In the order passed by the 1st respondent in the appeal, he did not even vouch for the receipt of any complaint received by the Mandal Revenue Officer, Kavali, and under those circumstances, interim suspension was granted.

In the circumstances of the case and in view of the fact that the appeal is pending before the 1st respondent, I deem it appropriate to continue the interim suspension granted on 23.5.2006 during the pendency of the appeal and the 1st respondent is directed to dispose of the appeal within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petiton is disposed of. No

costs.

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08.09.2006

rkk